

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

YASIR CREACH,

Plaintiff,

1:20-CV-199
(DNH/CFH)

-v-

DOE, Assistant District Attorney; DANIEL
MCCOY, C.E.O. Public Defender's Office; CRAIG
APPLE, Sheriff A.C.C.F; RICHARD CRUDO, Shift
Commander A.C.C.F; and ANTHONY MANCINO,
Chief Clerk Albany City Court,

Defendants.

APPEARANCES:

YASIR S. CREACH
Plaintiff pro se
20-A-0222
Collins Correctional Facility
P.O. Box 340
Collins, NY 14034

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Yasir S. Creach purported to commence this action on February 24, 2020. On June 16, 2020, the Honorable Christian F. Hummel, United States Magistrate Judge, advised by Report-Recommendation that insofar as plaintiff seeks to proceed against defendants in their official capacities, such claims be dismissed with prejudice; insofar as plaintiff seeks to challenge the validity or length of his confinement through a habeas petition,

such claims be dismissed as moot due to plaintiff's release from confinement; and the remainder of plaintiff's complaint, ECF No. 1, to the extent it purports to proceed under 42 U.S.C. §1983, be dismissed without prejudice for failure to state a claim. Magistrate Judge Hummel also recommended that plaintiff be afforded thirty (30) days from the date of this Decision and Order to file an amended complaint. No objections to the Report-Recommendation have been filed. However, before the issuance of a Decision and Order ruling on the Report-Recommendation, plaintiff filed an amended complaint. ECF No. 18.

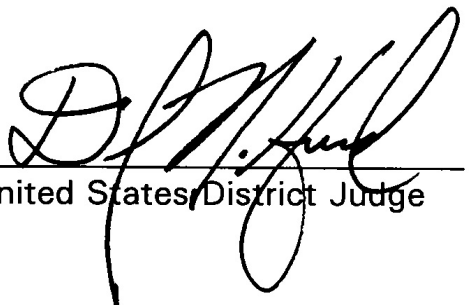
Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1). Plaintiff's amended complaint will be forwarded to Magistrate Judge Hummel for further review.

Therefore, it is

ORDERED that

Plaintiff's Amended Complaint is referred back to Magistrate Judge Hummel for review.

IT IS SO ORDERED.



United States District Judge

Dated: August 12, 2020
Utica, New York.